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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 089,982	04 03 2002	Evelyne Lopez	15675P398	4095

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08 14 2003

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EXAMINER

FLOOD, MICHELE C

ART UNIT

PAPER NUMBER

1654

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/089,982

Applicant(s)
Lopez et al.4

Examiner
Michele Flood

Art Unit
1654



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 31, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) (Paper No.): |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) (Paper No.): | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

Election/Restrictions

Acknowledgment is made of the receipt and entry of the amendments filed on July 31, 2003 and Applicant's cancellation of Claims 29-30. However, the reply filed on July 31, 2003 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): While Applicant has provisionally elected with traverse, the invention as claimed in Group I (*i.e.*, Claims 1-15, drawn to a method of making a composition), Applicant has not elected an invention drawn to a product and an invention drawn to a use of the said product. As the amendment to the claims provide additional inventions, a restriction requirement is deemed necessary, as set forth below:

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-15, drawn to a first method of making a product comprising recited steps a) - c).

Group II, claim 16, drawn to a first product, namely, a liquid phase obtained using the method of claim 15.

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Group III, claim 17, drawn to a second product, namely a solid phase obtained using the method of claim 15.

Group IV, claims 18-22 and 26, drawn to third product obtained using the method as claimed in any one of the preceding claims

Group V, claim 23, drawn to first method of using a product for the treatment of tissue regeneration disorders of the skin and/or superficial body growths.

Group VI, claim 24, drawn to a second method of using a product for the treatment of disorders of the skin and/or superficial body growths related to aging.

Group VII, claim 25, drawn to a third method of using a product for the treatment of inflammatory skin manifestations.

Group VIII, claim 27, drawn to fourth method of using a product for cosmetic treatment for tissue regeneration of the skin and/or superficial body growths.

Group IX, claim 28, drawn to fifth method of using a product for the cosmetic treatment of modifications related to aging of the skin and/or superficial body growths.

1. The inventions listed as Groups I-IX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Applicant is reminded that under PCT Rule, Applicant is allowed one method of making a product, one method of using a product, and one product for prosecution on the merits. As drafted, the pending claims fail to comply with PCT

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Rules. Applicant is required to elect a single invention for prosecution on the merits, i.e., one method of making a product, one method of using a product, and one product or any other words "(3) a product, a process specially adapted for the manufacture of the said product, and a use of the said product."

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is (703) 308-9432. The examiner can normally be reached on Monday through Friday from 7:15 am to 3:45 pm. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196 or the Supervisory Patent Examiner, Brenda Brumback whose telephone number is (703) 306-3220.

MCF

August 13, 2003

Michele C. Flood
MICHELE FLOOD
PATENT EXAMINER

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